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7 Attorneys for Defendants LABORERS INTERNATIONAL UNION  
OF NORTH AMERICA LOCAL NO. 872; TOMMY WHITE

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 GENE COLLINS, an individual doing business  
12 as SOUTHERN NEVADA FLAGGERS &  
BARRICADES, et al.,

13 Plaintiffs

14 v.

15 LABORERS INTERNATIONAL UNION OF  
16 NORTH AMERICA LOCAL NO. 872, et al.,

17 Defendants.

Case No. 2:11-cv-00524 LDG-DJA

**DEFENDANTS' RESPONSE TO  
MOTION TO WITHDRAW AS  
ATTORNEY OF RECORD**

Judge: Hon. Lloyd D. George

18 On September 6, 2020, Plaintiffs' counsel moved to withdraw as attorney of record for  
19 Plaintiffs Gene Collins, Six Star Cleaning & Carpet Service, Inc., Yolanda Woods, and Floppy  
20 Mop, Inc.<sup>1</sup> ECF 220. Defendants Laborers International Union of North America Local 872  
21 ("Local 872") and Tommy White ("White") object to counsel's withdrawal at this time and to the  
22 representations that "withdrawal will not delay proceedings in this matter" See ECF 220, 3:25;  
23 see also 4:13 ("no delay will occur from this Firm's withdrawal") and "[w]ithdrawal will not  
24 prejudice either party or delay any proceedings in this matter." *Id.*, 3:16-17, 19.

25  
26 <sup>1</sup> Although it has never been formally dismissed as a Plaintiff, Blue Chip Enterprises, Inc.  
27 appears to have abandoned its claims and has not participated in this action. The arbitrator  
dismissed Blue Chip from the third, fourth, and fifth causes of action. ECF 217. The time to  
challenge this determination has expired. The Arbitrator's decision should be affirmed and Blue  
28 Chip should be dismissed with prejudice from this action.

A total of five attorneys have previously represented plaintiffs, Matthew Callister, who originally filed the complaint in 2011, and was substituted out by Yvette Chevalier in 2018, ECF 189; Berna Rhodes-Ford, who withdrew in 2013, ECF 108, 109; Michael Avakian, who briefly represented Plaintiffs in connection with the sham Board of Adjustment Proceedings, and who withdrew in 2018, ECF 178, and Allen Lichtenstein, who submitted supplemental briefing in 2014 in response to Local 872's renewed motion for summary judgment. See ECF 117, 123.

Plaintiffs have filed a motion to vacate the recent arbitration decision issued by Arbitrator Dennis Kist, ECF 221, which Local 872 will oppose. Two of the remaining Plaintiffs, Six Star and Floppy Mop, are corporate entities, which must have representation. *Rowland v. California Men's Colony*, 506 U.S. 194, 201-203 (1993) (non-lawyers generally may not represent another person or an entity in a court of law); *Sunde v. Contel of California*, 112 Nev. 75, 915 P.2d 298 (1996) (Nevada courts have “consistently required attorneys to represent other persons and entities in court.”) The withdrawal of counsel at this time will obviously delay the briefing on the motion to vacate while the corporate entities retain counsel, and will delay lifting the stay imposed by the Court pending arbitration. Further delay of this nearly 10-year old case would be highly prejudicial to Local 872 and White.

Local 872 and White therefore respectfully submit that if the Court is inclined to permit counsel to withdraw at this time, it order the corporate Plaintiffs to retain new counsel within thirty (30) days. If the corporate Plaintiffs have not retained counsel within thirty (30) days, they should be dismissed with prejudice. Local 872 and White further ask that the Court set a case management conference so the parties may discuss further handling of this case.

Dated: September 22, 2020

LAW OFFICES OF KRISTINA L. HILLMAN  
Affiliated with Weinberg, Roger & Rosenfeld  
A Professional Corporation

Respectfully Submitted:

By: /s/ KRISTINA L. HILLMAN  
KRISTINA L. HILLMAN

Attorneys for Defendants LABORERS  
INTERNATIONAL UNION OF NORTH  
AMERICA LOCAL NO. 872; TOMMY WHITE,

## **CERTIFICATE OF SERVICE**

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501.

I hereby certify that on September 22, 2020, I electronically filed the foregoing

**DEFENDANTS' RESPONSE TO MOTION TO WITHDRAW AS ATTORNEY OF RECORD** with the **United States District Court, District of Nevada**, by using the Court CM/ECF system.

I further certify that for those participants in the case who are registered CM/ECF users service will be accomplished through the Court's electronic filing system.

I hereby certify under penalty of perjury that the above is true and correct. Executed at  
Alameda, California, on September 22, 2020.

/s/ Sally Mendez  
Sally Mendez

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